

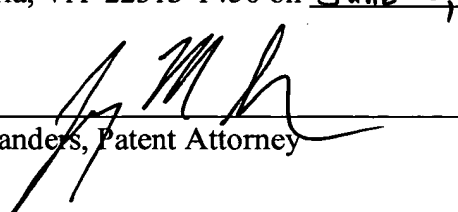


IFW #

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INFORMATION DISCLOSURE  
STATEMENT

Patent Application  
Examining Group 1615  
Docket No. DAS-104XC1  
Serial No. 10/754,115  
Confirmation No. 8974

  
Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : (not yet assigned)  
Art Unit : 1615  
Applicants : Timothy D. Hey, Amanda D. Schleper, Scott A. Bevan, Scott B. Bintrim,  
Jon C. Mitchell, Ze Sheng Li, Weiting Ni, Baolong Zhu, Donald J. Merlo,  
Patricia C. Apel-Birkhold, Tom Meade  
Serial No. : 10/754,115  
Conf. No. : 8974  
Filed : January 7, 2004  
For : Mixing and Matching TC Proteins for Pest Control

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 CFR §1.97 and §1.98, the applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Copies of the references are enclosed.

It is respectfully requested that the references listed on the attached Form PTO-1449 be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements.

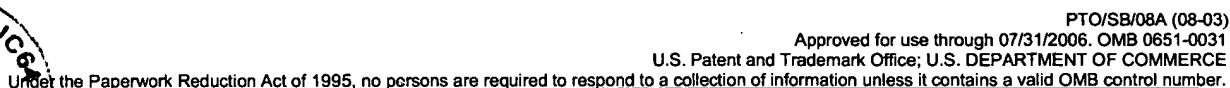
Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,

Jay M. Sanders  
Patent Attorney  
Registration No. 39,355  
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Gainesville, FL 32606-6669

JMS/ehm

Attachments: Forms PTO/SB/08A and PTO/SB/08B  
Copies of Listed References



*(Use as many sheets as necessary)*

Sheet	1	of	8
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Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> ~Number <sup>4</sup> ~Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
	7	WO 95/00647 A1	01-05-1995	Smigielski	(review all)	
	8	WO 97/17432 A1.	05-15-1997	Ensign et al.	(review all)	
	9	WO 98/08388 A1	03-05-1998	Jarrett et al.	(review all)	
	10	WO 98/08932 A1	03-05-1998	Ensign et al.	(review all)	
	11	WO 98/50427 A1	11-12-1998	Ensign et al.	(review all)	
	12	WO 99/03328 A1	01-28-1999	East	(review all)	

Examiner Signature		Date Considered	
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Substitute for Form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	2	of	8
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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Complete if Known**

Application Number	10/754,115
Filing Date	January 7, 2004
First Named Inventor	Timothy D. Hey
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-104XC1

## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	† <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	13	WO 99/42589 A2	08-26-1999	Kramer et al.	(Review all)	
	14	WO 99/54472 A1	10-28-1999	Kramer et al.	(Review all)	
	15	WO 00/30453 A2	06-02-2000	Jarrett et al.	(Review all)	
	16	WO 00/42855 A1	07-27-2000	Morgan et al.	(Review all)	
	17	WO 01/11029 A1	02-15-2001	Petell et al.	(Review all)	
	18	WO 02/94867 A2	11-28-2002	Duchaud et al.	(Review all)	

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Application Number	10/754,115
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First Named Inventor	Timothy D. Hey
Art Unit	
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Attorney Docket Number	DAS-104XC1

Sheet	3	of	8
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## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Application Number</b>		10/754,115	
		<b>Filing Date</b>		January 7, 2004	
		<b>First Named Inventor</b>		Timothy D. Hey	
		<b>Art Unit</b>			
		<b>Examiner Name</b>			
<b>Sheet</b>	4	<b>of</b>	8	<b>Attorney Docket Number</b>	DAS-104XC1

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	20	BOWEN et al., "Insecticidal toxins from the bacterium Photorhabdus luminescens," Science 280 (5372), 2129-2132 (1998)	
	21	BOWEN et al., Insecticidal toxin complex protein TcaC (Photorhabdus luminescens), GENBANK Accession No. AAC38625 (gi:3265037), June 30, 1998	
	22	BOWEN et al., Insecticidal toxin complex protein TcbA (Photorhabdus luminescens), GENBANK Accession No. AAC38627 (gi:3265040), June 30, 1998	
	23	FFRENCH-CONSTANT et al., "Photorhabdus toxins: novel biological insecticides," Current Opinion in Microbiology (1999), p. 284-288, vol. 12	
	24	FFRENCH-CONSTANT et al., "Novel insecticidal toxins from nematode-symbiotic bacteria," Cellular and Mol. Life Sciences (5/00), p. 828-833, vol. 57, no. 5	
	25	FFRENCH-CONSTANT et al., "A Genomic Sample Sequence of the Entomopathogenic Bacterium Photorhabdus...", Appl. Environ. Microbiol. (8/00), p. 3310-3329, vol. 66, no. 8	
	26	FORST et al., "Molecular Biology of the Symbiotic-Pathogenic Bacteria Xenorhabdus spp. and Photorhabdus spp.," Microbiological Reviews (3/96), p. 21-43, vol. 60, no. 1	
	27	HURST et al., "Plasmid-Located Pathogenicity Determinants of Serratia entomophila...", Journal of Bacteriology (09/00), p. 5127-5138, vol. 182, no. 18	
	28	HURST et al., SepA (Serratia entomophila), GENBANK Accession No. AAG09642 (gi:9963678)	
	29	HURST et al., SepB (Serratia entomophila), GENBANK Accession No. AAG09643 (gi:9963679)	

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Sheet	5	of	8
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	30	HURST et al., SepC (Serratia entomophila), GENBANK Accession No. AAG09644 (gi:9963680)	
	31	MERLO et al., Toxin A (Photorhabdus luminescens), GENBANK Accession No. AAF05542 (gi:6176340), November 2, 1999	
	32	MORGAN et al., "Sequence Analysis of Insecticidal Genes from Xenorhabdus nematophilus PMFI296," Appl. Environ. Microbiol. (5/01), p. 2062-2069, vol. 67, no. 5	
	33	MORGAN et al., Xenorhabdus nematophilus genes, GENBANK Accession No. AJ308438, May 11, 2001	
	34	MORGAN et al., Putative chitinase (Xenorhabdus nematophila), GENBANK Accession No. CAC38398 (gi:14041727), May 11, 2001	
	35	MORGAN et al., XptA1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38401 (gi:14041730), May 11, 2001	
	36	MORGAN et al., XptB1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38402 (gi:14041731), May 11, 2001	
	37	MORGAN et al., XptC1 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38403 (gi:14041732), May 11, 2001	
	38	MORGAN et al., XptA2 protein (Xenorhabdus nematophila), GENBANK Accession No. CAC38404 (gi:14041733), May 11, 2001	
	39	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00083266 (gi:23058175)	

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Sheet <b>6</b> of <b>8</b>	<b>Application Number</b>	10/754,115
	<b>Filing Date</b>	January 7, 2004
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	40	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00083267 (gi:23058176)	
	41	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas fluorescens...), GENBANK Accession No. ZP_00084399 (gi:23059431)	
	42	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00084400 (gi:23059432)	
	43	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00084401 (gi:23059433)	
	44	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00084403 (gi:23059435)	
	45	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00125560 (gi:23470227)	
	46	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas syringae...), GENBANK Accession No. ZP_00126265 (gi:23470933)	
	47	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127864 (gi:23472540)	
	48	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127865 (gi:23472541)	
	49	NCBI Microbial Genomes Annotation Project, Hypothetical protein (Pseudomonas syringae...), GENBANK Accession No. ZP_00127867 (gi:23472543)	

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	51	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127869 (gi:23472545)	
	52	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00127870 (gi:23472546)	
	53	NCBI Microbial Genomes Annotation Project, COG3209: Rhs family protein (Pseudomonas...), GENBANK Accession No. ZP_00123877 (gi:23468542)	
	54	PETTERSSON et al., "Transfer of Bacillus lentimorbus and Bacillus popilliae to the genus Paenibacillus...", Int. J. Syst. Bacteriol. (1999), p. 531-540, vol. 49, no. 2 (abstract)	
	55	SHIDA et al., "Emended description of Paenibacillus amylolyticus and description of Paenibacillus...", Int. J. Syst. Bacteriol. (1997), p. 299-306, vol. 47, no. 2 (abstract)	
	56	WATERFIELD et al., "Oral Toxicity of Photorhabdus luminescens W14 Toxin Complexes in Escherichia coli," Appl. Environ. Microbiol. (11/01), p. 5017-5024, vol. 67, no. 11	
	57	WATERFIELD et al., "The toxin complex genes of Photorhabdus: a growing gene family," Trends in Microbiology (04/01), p. 185-191, vol. 9, no. 4	
	58	WATERFIELD et al., "Genomic islands in Photorhabdus," Trends Microbiol. 10 (12), 541-545 (2002)	
	59	WATERFIELD et al., Toxin complex protein (Photorhabdus luminescens), GENBANK Accession No. AAL18473 (gi:16416915)	

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				<b>Art Unit</b>	
				<b>Examiner Name</b>	
				<b>Attorney Docket Number</b>	DAS-104XC1

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	60	WATERFIELD et al., TcdA1; toxin complex protein (Photorhabdus luminescens), GENBANK Accession No. AAL18486 (gi:16416929)	
	61	WATERFIELD et al., TcdB1; toxin complex protein (Photorhabdus luminescens), GENBANK Accession No. AAL18487 (gi:16416930)	
	62	WATERFIELD et al., TccC2 (Photorhabdus luminescens), GENBANK Accession No. AAL18492 (gi:27479639)	
	63	WATERFIELD et al., TccC4 (Photorhabdus luminescens), GENBANK Accession No. AAO17196 (gi:27479669)	
	64	WATERFIELD et al., TcdA2 (Photorhabdus luminescens), GENBANK Accession No. AAO17201 (gi:27479674)	
	65	WATERFIELD et al., TcdB2 (Photorhabdus luminescens), GENBANK Accession No. AAO17202 (gi:27479675)	
	66	WATERFIELD et al., TccC3 (Photorhabdus luminescens), GENBANK Accession No. AAO17204 (gi:27479677)	
	67	WATERFIELD et al., TcdA4 (Photorhabdus luminescens), GENBANK Accession No. AAO17209 (gi:27479682)	
	68	WATERFIELD et al., TccC5 (Photorhabdus luminescens), GENBANK Accession No. AAO17210 (gi:27479683)	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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